

Serial No. 10/674,885

Page 5 of 11

Remarks

Claims 1-19 are pending in the application.

Claims 1-3 and 5-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fangman et al. (US 2002/0150083 A1, hereinafter Fangman).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fangman.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any

639922-1

Serial No. 10/674,885

Page 6 of 11

dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

#### **Rejection Under 35 U.S.C. 102**

Claims 1-3 and 5-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fangman. The rejection is traversed.

#### **Claims 1-3 and 5-15**

Anticipation requires the presence, in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. Fangman fails to disclose each and every element of claim 1, as arranged the claim.

Specifically, Fangman fails to teach or suggest at least the limitations of "(c) creating a VPN identifier in the voice data" and "(e) removing the VPN identifier from the voice data," as claimed in Applicants' claim 1.

Rather, Fangman merely discloses an IP telephony system supporting internal and external call sessions in which the system distinguishes between internal and external call sessions by comparing public IP addresses of a first Media Gateway and a second Media Gateway where the first Media Gateway is selected based on the source IP address and the second Media Gateway is selected based on the destination telephone number. Fangman is devoid of any teaching or suggestion of creating a VPN identifier in voice data. Similarly, Fangman is devoid of any teaching or suggestion of removing a VPN identifier from voice data. As such, Fangman fails to disclose each and every element of claim 1, as arranged the claim.

639922-1

Serial No. 10/674,885

Page 7 of 11

In the Office Action, the Examiner cites specific portions of Fangman, asserting that the cited portions of Fangman teach Applicants' claim 1. Namely, the Examiner cites Figures 4A, 4B, 6A – 6C, and 7A – 7C and, further, cites Paragraphs 0261 – 0275 and 0296 – 0343, asserting that the cited portions of Fangman disclose Applicants' claim 1. Applicants respectfully disagree

As noted in Applicants' previous response, the cited portions of Fangman are primarily directed toward processes for initializing, configuring, and using an IP telephone, registering an IP phone with Media Gateway Controller, and initiating a call from an IP phone to another phone, not propagation of voice data. In response, the Examiner asserts that Fangman discloses placing and receiving IP calls using IP telephones. While Applicants agree that some portions of Fangman discuss placing and receiving IP calls using IP telephones, Applicants respectfully maintain that Fangman fails to teach or suggest creating a VPN identifier in voice data or removing the VPN identifier from the voice data, as claimed in Applicants' claim 1.

In the Response to Arguments section of the Office Action, the Examiner asserts that "Fangman describes in detail how the VPN identifier is created in the setup of the call and then used to perform IP data communication and once completed the call is terminated and the VPN identifier is removed and reused for another call, refer to paragraph [0265]." (Office Action, Pg. 7). Applicants respectfully disagree.

Applicants respectfully submit that the cited portion of Fangman is devoid of any teaching or suggestion of any VPN identifier. Rather, the cited portion of Fangman merely states that a user may place and receive calls using an IP phone, where the system (namely, SG 170 of Fangman) "may mediate IP communications between the IP telephone and an IP device, where the IP telephone uses at least a subset of the range of port numbers to send or receive the IP communications." (Fangman, Para. 0265, Emphasis added).

Applicants respectfully request that the Examiner identify exactly where in the cited portion of Fangman there is any teaching or suggestion of a VPN identifier. The cited portion of Fangman simply does not teach or suggest any identifier that identifies a virtual private network. As such, since the cited portion of Fangman fails to teach or suggest any VPN identifier, the cited portion of Fangman cannot teach or suggest

639922-1

Serial No. 10/674,885

Page 8 of 11

creating a VPN identifier in voice data or removing the VPN identifier from the voice data, as claimed in Applicants' claim 1.

Furthermore, Applicants respectfully maintain that the other portions of Fangman cited by the Examiner (namely, Figures 4A, 4B, 6A-6C, 7A-7C, Paragraphs [0261] to [0275], and Paragraphs [0296] to [0343]) fail to teach or suggest creating a VPN identifier in voice data or removing the VPN identifier from the voice data, as claimed in Applicants' claim 1. Applicants respectfully request that the Examiner point out exactly where in the cited portion of Fangman there is any teaching or suggestion of a VPN identifier, much less creating a VPN identifier in voice data or removing the VPN identifier from the voice data, as claimed in Applicants' claim 1.

Rather, with respect to virtual private networks, the cited portions of Fangman merely describe functions associated with a VPN Concentrator 136.

For example, in Paragraph [0306] Fangman states that "[t]he Service Gateway 170 may perform IP security encryption on the packet. As shown, the original packet is encapsulated in a new packet with a source address of the external interface address of the Service Gateway, and the destination address of the VPN Concentrator. The Service Gateway 170 may forward the data (packet) over the selected tunnel." (Fangman, Para. 0306, Emphasis added). While this portion of Fangman mentions VPN Concentrator 136, the cited portion of Fangman is devoid of any teaching or suggestion of a VPN identifier, much less creating a VPN identifier in voice data or removing the VPN identifier from the voice data, as claimed in Applicants' claim 1. Rather, the cited portion of Fangman merely mentions a source address of the Service Gateway and a destination address of the VPN Concatenator.

Similarly, for example, in Paragraph [0308] Fangman states that "the VPN Concentrator 136 may decrypt the data traffic, and, as shown in step 652, may route the data traffic to a local router. As shown, in one embodiment, the data packet header information at this point may include a source IP address, indicated as Public, a source port which remains UNCHANGED, as shown, a destination IP address set to the primary address of the MGC, and a destination port with the example value of 55555." (Fangman, Para. 0308, Emphasis added). In other words, the cited portion of Fangman merely mentions a source IP address, a source port, a destination IP address, and a destination

639922-1

Serial No. 10/674,885

Page 9 of 11

port. The cited portion of Fangman is devoid of any teaching or suggestion of a VPN identifier, much less creating a VPN identifier in voice data or removing the VPN identifier from the voice data, as claimed in Applicants' claim 1.

Similarly, each of the other portions of Fangman cited by the Examiner fails to teach or suggest a VPN identifier, much less creating a VPN identifier in voice data or removing the VPN identifier from the voice data, as claimed in Applicants' claim 1. Applicants respectfully request that the Examiner point out exactly where in Fangman there is any teaching or suggestion of creating a VPN identifier in voice data or removing the VPN identifier from the voice data, as claimed in Applicants' claim 1.

As such, independent claim 1 is not anticipated by Fangman and is patentable under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Fangman.

Therefore, Applicants' claims 1-3 and 5-15 are allowable over Fangman. under 35 U.S.C. 102. The Examiner is respectfully requested to withdraw the rejection.

#### **Claims 16-19**

Claims 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fangman. The rejection is traversed.

Anticipation requires, in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. Fangman fails to disclose each and every element of claim 16, as arranged the claim.

Specifically, the Fangman reference fails to teach or suggest at least the limitation of "wherein one of said at least one soft-switch instructs one of said at least one packet switch to insert VPN identifiers into voice data and one of said at least one soft-switch instructs one of said at least one packet switch to remove VPN identifiers from voice data," as claimed in Applicants' claim 16.

As described herein with respect to claim 1, Fangman fails to teach or suggest creating a VPN identifier in voice data or removing the VPN identifier from the voice data. As such, for at least the reasons described herein with respect to claim 1, Applicants

Serial No. 10/674,885

Page 10 of 11

respectfully submit that Fangman also fails to teach or suggest the limitation of "wherein one of said at least one soft-switch instructs one of said at least one packet switch to insert VPN identifiers into voice data and one of said at least one soft-switch instructs one of said at least one packet switch to remove VPN identifiers from voice data," as claimed in Applicants' claim 16.

As such, independent claim 16 is not anticipated by Fangman and is patentable under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Fangman.

Therefore, Applicants' claims 16 - 19 are allowable over Fangman. under 35 U.S.C. 102. The Examiner is respectfully requested to withdraw the rejection.

**Rejection Under 35 U.S.C. 103(a)**

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fangman. The rejection is traversed.

This ground of rejection applies only to a dependent claim, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Fangman. Since the rejection under 35 U.S.C. 102 given Fangman has been overcome, as described hereinabove, this ground of rejection cannot be maintained.

Therefore, Applicants' claim 4 is allowable over Fangman under 35 U.S.C. 103(a). The Examiner is respectfully requested to withdraw the rejection.

Serial No. 10/674,885

Page 11 of 11

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 1/23/08

EJ Wall  
Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicants

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808